

Sixth Appellate District

San Jose, California

MONDAY, APRIL 28, 2003

H023107 PEOPLE v. SMALLEY

The judgment is affirmed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Wunderlich, J.)  
Filed April 28, 2003

H023092 PEOPLE v. BRACEY

The judgment is affirmed. (not published)  
(Wunderlich, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)  
Filed April 28, 2003

H023597 LAI v. SCHWERIN

We affirm the order granting defendant's special motion to strike plaintiff's complaint. Defendant is entitled to reasonable attorney fees and costs on appeal, subject to an appropriate motion in the trial court. (§ 425.16, subd.(c); *Shekhter v. Financial Indemnity Co.*, *supra*, 89 Cal.App.4<sup>th</sup> at pp. 154-155.) (not published)  
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)  
Filed April 28, 2003

H023402 PEOPLE v. MENDOZA

The judgment is affirmed. (not published)  
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)  
Filed April 28, 2003

TUESDAY, APRIL 29, 2003

H023911 DESAIGUDAR, et al., as Trustees, etc. v. MEYERCORD, et al.

The judgment is affirmed. (published)  
(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)  
Filed April 29, 2003

Sixth Appellate District

San Jose, California

Tuesday, April 29, 2003 (continued)

H022992 PEOPLE v. CRANKE

The trial court is ordered to correct its minutes to reflect that the CJAF fee payable to the City of Milpitas is \$140.50 rather than \$14050. The judgment is modified to reduce the restitution fund fine from \$6,000 to \$3,500. The trial court shall prepare an amended abstract of judgment reflecting this modification and forward a certified copy of the amended abstract to the Department of Corrections. As modified, the judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed April 29, 2003

WEDNESDAY, APRIL 30, 2003

H021684 PEOPLE v. TURNER

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)

Filed April 30, 2003

H023143 PEOPLE v. AJAGU

The abstract of judgment shall be modified as follows. The term for count 2, false personation, is stayed pursuant to section 654. The abstract of judgment shall also be amended so as to reflect actual credit for time served of 339 days, conduct credit of 168 days, with total credits of 507 days. A copy of the amended abstract shall be forwarded to the Department of Corrections. As modified, the judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Wunderlich, J.)

Filed April 30, 2003

H024298 PEOPLE v. TRAN

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed April 30, 2003

Sixth Appellate District

San Jose, California

Wednesday, April 30, 2003 (continued)

H025307 In re TRAN on Habeas Corpus

The Department of Corrections is ordered to show cause, before the Santa Clara County Superior Court, why defendant's petition for a writ of habeas corpus should not be granted. Specifically, the Department of Corrections is ordered to show why the defendant was not denied his constitutional rights to effective assistance due to counsel's failure to present expert testimony regarding the victim's identification of the defendant as the man who assaulted her, and to present the testimony of Evelia Valencia. To the extent the testimony of the expert witness on eyewitness identifications was prevented by the trial court's denial of the defense motion for a continuance, the Department of Corrections is ordered to show why the defendant's constitutional rights to present a defense and to jury trial were not denied by this ruling. The Department of Corrections is further ordered to submit its return to the trial court, which shall then conduct an evidentiary hearing to determine the truth of the allegations in the writ petition, and which is granted jurisdiction to grant or deny relief.

Filed April 30, 2003

RUSHING, P.J.

H021881 PEOPLE v. WHALEN

The judgment is affirmed. (not published)  
(Rushing, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)  
Filed April 30, 2003

H023645 ECHEVARRIA, et al. v. HODA

The judgment is reversed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed April 30, 2003

H024321 PEOPLE v. HOWARD

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Rushing, P.J., Elia, J.)  
Filed April 30, 2003

Sixth Appellate District

San Jose, California

THURSDAY, MAY 1, 2003

H023386 PEOPLE v. WILLIAMS

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Elia, Acting P.J., Bamattre-Manoukian, J.)

Filed May 1, 2003

H022544 BLACK v. WAL-MART STORES, INC., et al.

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed May 1, 2003

FRIDAY, MAY 2, 2003

H024759 PEOPLE v. HERNANDEZ

The judgment is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed May 2, 2003

H024509 PEOPLE v. JOSEPH C.

The judgment is reversed and the case is remanded to the juvenile court with instructions to narrowly tailor the probation conditions imposed upon the minor, to explain the terms to the minor, and to allow the minor to make inquiries and acknowledge that he understands the probation conditions (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed May 2, 2003

H023885 PEOPLE v. ZAMORA

The judgment is affirmed. (not published)  
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed May 2, 2003

H024135, H024653 PEOPLE v. ARTHUR T.

The jurisdiction order is modified to strike the finding of simple assault. As modified, this order, the disposition order, and the order denying the motion to modify the conditions of probation are affirmed. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed May 2, 2003